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Conference of the States Parties to the United Nations Convention against Corruption

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Working Group on Asset Recovery
Vienna, 3-4 September 2015

Annotated provisional agenda

Provisional agenda

1. Organizational matters:
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   (b) Adoption of the agenda and organization of work.
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3. Forum for advancing practical aspects of asset recovery, including challenges and good practices.
4. Forum for updates on and developments relating to thematic discussions of the previous session.
5. Thematic discussion on article 57 (Return and disposal of assets) and other relevant articles of the Convention.
6. Forum for discussions on capacity-building and technical assistance.
7. Adoption of the report.

Annotations

I. Organizational matters

(a) Opening of the meeting

The meeting of the Working Group on Asset Recovery will be opened on Thursday, 3 September 2015, at 10 a.m.

(b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with resolution 5/3, entitled "Facilitating international cooperation in asset recovery", adopted by the Conference of the States Parties to the United Nations Convention

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against Corruption at its fifth session, held in Panama City from 25 to 29 November 2013.

The proposed organization of work (see annex) was prepared in accordance with Conference resolution 5/3 and the report on the meeting of the Working Group held in Vienna on 30 and 31 August 2012 (CAC/COSP/WG.2/2012/4).

2. Overview of progress made in the implementation of asset recovery mandates

The mandate of the Working Group, as set out in Conference resolution 1/4, consists of the following functions:

(a) Assisting the Conference in developing cumulative knowledge in the area of asset recovery;

(b) Assisting the Conference in encouraging cooperation among relevant existing bilateral and multilateral initiatives, and contributing to the implementation of the related provisions of the Convention;

(c) Facilitating exchange of information by identifying good practices and disseminating them among States;

(d) Building confidence and encouraging cooperation between requesting and requested States by bringing together relevant competent authorities and anti-corruption bodies and practitioners involved in asset recovery and the fight against corruption and by serving as a forum for them;

(e) Facilitating exchange of ideas among States on the expeditious return of assets;

(f) Assisting the Conference in identifying the capacity-building needs, including long-term needs, of States parties in the prevention and detection of transfers of proceeds of corruption and income or benefits derived from such proceeds and in asset recovery.

The Secretariat will provide an oral update on progress made in the implementation of asset recovery mandates.

3. Forum for advancing practical aspects of asset recovery, including challenges and good practices

At its previous meetings, the Working Group noted the importance of providing a forum for discussing the practical aspects of asset recovery, including challenges and good practices. In addition, it expressed its appreciation for presentations on new legislation on asset recovery adopted by States parties in compliance with the Convention and recommended that the Secretariat strive, at future meetings, to foster such pragmatic approaches.

States parties may wish to come prepared to discuss their good practices and are encouraged to share them with the Secretariat in advance, together with relevant documentation for dissemination on the relevant page of the United Nations Office on Drugs and Crime website.

The discussion on practical aspects of asset recovery will commence with a panel discussion.

4. Forum for updates on and developments relating to thematic discussions of the previous session

At its previous meeting, on 11 and 12 September 2014, the Working Group held thematic discussions on article 52 (Prevention and detection of transfers of proceeds of crime) and article 53 (Measures for direct recovery of property). The discussions on article 52 addressed, inter alia, the importance of strict enforcement of customer due diligence, know-your-customer rules and the crucial role of financial intelligence units in the framework for combating corruption. The discussions under article 53 touched upon, inter alia, civil proceedings in foreign States and information exchange between administrative authorities on the basis of the Convention, and challenges to those forms of cooperation.

Under the agenda item, participants are invited to provide updates on a broad range of legislative and practical developments with regard to these issues.

5. Thematic discussion on article 57 (Return and disposal of assets) and other relevant articles of the Convention

Topics to be discussed may include the following: the practice followed for the deduction of reasonable expenses incurred in investigations, prosecutions or judicial proceedings; ways to reduce the overall cost of asset recovery; examples of agreements or arrangements for the final disposal of confiscated property; and implementation of article 57, paragraph 3 (b)[1] and (c). Another topic to be included could be good practices in the management and preservation of restrained assets.

The thematic discussion on article 57 will commence with a panel discussion.

Documentation

Discussion guide for the thematic discussion on article 57 (Return and disposal of assets) (CAC/COSP/WG.2/2015/2)

6. Forum for discussions on capacity-building and technical assistance

In its resolution 4/4, the Conference urged States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture in accordance with domestic law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in those fields, upon request. In addition, it encouraged the further development of initiatives to provide assistance in asset recovery cases at the request of States parties.

In its resolution 5/3, the Conference urged States parties to ensure that their anti-corruption authorities or other relevant bodies were trained sufficiently and on a regular basis and had the requisite authority, legislative and otherwise, to identify, trace, freeze and confiscate corruption proceeds, including in terms of access to the

[1] "When the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property".

financial and other information necessary to do so. The Conference also encouraged requested States and assistance partners to work with requesting States to identify asset-recovery-related capacity-building needs of requesting States and, to the extent possible, to prioritize the needs to be met, stressing specific, practical efforts.

The discussion on capacity-building and technical assistance will commence with a panel discussion.

7. Adoption of the report

The Working Group is to adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Annex

Proposed organization of work

Date and time	*Agenda item*	*Title or description*
Thursday, 3 September		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Overview of progress made in the implementation of asset recovery mandates
	3	Forum for advancing practical aspects of asset recovery, including challenges and good practices
3 p.m.-6 p.m.	4	Forum for updates on and developments relating to thematic discussions of the previous session
	5	Thematic discussion on article 57 (Return and disposal of assets) and other relevant articles of the Convention
Friday, 4 September		
10 a.m.-1 p.m.	5	Thematic discussion on article 57 (Return and disposal of assets) and other relevant articles of the Convention (*continued*)
3 p.m.-6 p.m.	6	Forum for discussions on capacity-building and technical assistance
	7	Adoption of the report